ORDER REGEKVED/FOR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

E/S Upman Court, 40' N of Old

Frederick Road (19 Upman Court) 1st Election District 1st Councilmanic District

Joyce Eileen Hinkelman

Petitioner

- BEFORE THE
- ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- Case No. 99-3-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the The Petitioner seeks relief subject property, Joyce Eileen Hinkelman. from Sections 1B01.2.C.1.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 22.5 feet for a proposed open projection (12' x 20' deck). The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R.

Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Zoning day of July, 1998 that the Petition for Administrative Variance seeking relief from Sections 1E01.2.C.1.B and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 14 feet in lieu of the required 22.5 feet for a proposed open projection (12' x 20' deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

ONDER RECEIVED FOR FILINK
Date
By



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

July 29, 1998

Ms. Joyce E. Hinkelman 19 Upman Court Catonsville, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE

E/S Upman Court, 40' N of Old Frederick Road

(19 Upman Court)

1st Election District - 1st Councilmanic District
Joyce Eileen Hinkelman - Petitioner

Case No. 99-3-A

Dear Ms. Hinkelman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance

	to the Zoning Comm	issioner of Ba	altimore County
MARYLAND	for the property located at	19 UPMAN (7
		which is p	resently zoned DR.5.5
hereto and ma	shall be filed with the Dept. of Permits & Deve gned, legal owner(s) of the property situate in Baltimo ade a part hereof, hereby petition for a Variance from	ore County and which is described Section(s) 1 12 04 5	A - : 7 - 4 /

REQUIRED 22,5 Ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

TO PERMIT A REAL YARD SETBACK OF 14FT IN LIGHT OF THE

D FATEND THE SET-BACK LINE TO FACILITATE THE CONSTRUCTION OF A FREE STANDING DECK CIR! X20') SEE ATTACHMENT #1.

PREVIOUS ZONING HEARINGS? CASE #90444A, CASE #93344A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that i/we are the

Zoning Commissioner of Baltimore County

legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee			* Eegal Owner(s)
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Type or Print Name)			(Type or Print Name)
ignature			Tour Ellen Minkelman
ddress			(Type or Print Name)
îty	State -	Zipcoce	Signature
tomey for Petitioner			40-993-8474 (W)
ype or Print Name)		1	19 UPMAN CT. 410-747-4407 (4) Address Phone No
			CATONSVILLE MD. 2/228 City State Zipcore
gnature			Name, Address and phone number of representative to be contacted
Idress			Leslie Kulick
idiess	Phone No		Name 410-963-95651 6915 PINECYEST Rd 410-719-7080
ith	State	Zipcode	GOIT PINECTEST Rd 410-719-7080 Address Phone No CATDNEW, No M D

Printed with Soybean Ink

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at		TPMAN	<u></u>	
	CATONSY	74LE	MD	21228
-	City	<u> </u>	State	Zip Code
That based upon personal knowledge, the follow Variance at the above address: (indicate hardship or g		upon which I/we	base the request for a	ın Administrative
EXTEND THE SET BY	HCK LINE	70 F	AULITATE	THE
CONSTRUCTION OF A	FREE	STANDINK	DECK (12' X20')
PREVIOUS ZONING A				
93344A . SEE ATT				
	-			
				
	····			
That Affiant(s) acknowledge(s) that if a protest may be required to provide additional information of the sequence of the sequ	on. ORE	(signate		nd advertising fee and
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	TUNE	19 <u>9</u> 2	<u>9</u> , before me, a Not	ary Public of the State
JOYCE E. H	INKELM	AN		
the Affiants(s) herein, personally known or satisf that the matters and facts hereinabove set forth a				
AS WITNESS my hand and Notarial Seal.				
June 17, 1998	_	Boher	10.	achi
date	No Me C	OTARY PUBLIC	= 3/1/ga)

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That the Affiant(s) does/do presently reside at	19 OPm	AN CT.	
	address		
	<u></u>	115	Alan
	_ CATONSVILLE		2/ dol
	City	State	ZIP Code
That based upon personal knowledge, the followariance at the above address: (indicate hardship of	wing are the facts upon wh practical difficulty)	ich I/we base the reques	t for an Administrative
EXTEND THE SET	BACK LINE	TO FACILITAT	E 7#E
CONSTRUCTION OF A	FREE STANDIN	6 DECK C	a' x ao')
PREVIOUS ZONING H	TARINGS 6	7985 # 9044	HA CASE #
93344A. SEE ATT	ACHMENT #1.		•
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	,		· · · · · · · · · · · · · · · · · · ·
That Affiant(s) acknowledge(s) that if a protes	it is filed, Affiant(s) will be	required to pay a repost	ing and advertising fee and
may be required to provide additional informati	on JORE		
() 01 1/11.			
The Eileen Hinkelman			
(signature)		(signature)	
DOYCE EILEEN HINKELMAN			4
(type or print name)	120 V 340	(type or print name)	
STATE OF MARYLAND, COUNTY OF BALT	TMORE to wit:		
,	·	~ ~	
I HEREBY CERTIFY, this day of	JUNE	_, 19 <u>98</u> , before me,	a Notary Public of the State
of Maryland, in and for the County aforesaid, pe	ersonally appeared		
JOYCE E HI	NKELMAN	_	
,			
the Affiants(s) herein, personally known or satist that the matters and facts hereinabove set forth			
AS WITNESS my hand and Notarial Seal.	_		
Quan 17 1000	\prec	Must de	Juster?
June 17, 1998	XCT VOTO BIT	RIC CYC	Suchelle
7/	NO LOUP PL	- 1. I	00
V	My Commissa	on Expires: 3/1/	44



Petition for Administrative Variance

ALAMB VLAMB	to the Zoning Comm	ission	er of B	altimore (County
WLAND	for the property located at		UPMAN	G.	
			which is	presently zoned	DR.5.5
his Petition	shall be filed with the Dept. of Permits & Devi	elopment Me	anagement		···

The undersigned, legal owner(s) or the property situation...

hereto and made a part hereof, hereby petition for a Variance from Section(s)

1801.2c.18.5301.1a. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

TO PERMIT. A REAL YARD SETTSHEK OF 14 FT. LAVIEW OF THE REQUIRED 22.5 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

THE SET-BACK LINE TO FACILITATE THE DISTERVO OF A FREE STANDING DECK (12'X20') SEE ATTACHMENT #1. PREVIOUS ZONING HEARINGS: CASE # 90444A, CASE # 93344A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			logal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee			Legal Owner(s)
and a state of the second field when the second sec	-	- 7 701	James Francisco Library
(Type or Print Name)			TOYCE FILED HINKELMAN (Type Of Print Name)
Signature			Signature
Address			(Type or Print Name)
City	State	Zipcode	Signature The CO STRUCKI
Attorney for Petitioner			46-993-8474(w) 19 (PMAN G- 410-747-4407(H)
(Type or Print Name)		•	19. (PMAN) 5- 410-747-4407 (H) Address Phone No
			CATOVEWILLE MD 2/208
Signature			Name, Address and phone number of representative to be contacted
			LESTIR Kulick 410-962-9565 (6)
Address	Phone No		Name
City	State	Z:pcode	Address Phone No
A Public Hearing having been re	equested and/or found to b	e required, it is orde	CATD NSU, ITE MID 21228 pred by the Zoning Commissioner of Baltimore County, this
Indi the subject matter of this pe	ention be set for a public he	aring , advertised, a	as required by the Zoning Regulations of Bathmore County, in two newspapers of general





Zoning Commissioner of Baltimore County

circulation throughout-Baltimore County; and that the property be reposted

ATTACHMENT # 1

Conditions of the practical difficulty for the variance are as follows:

- Access to the outside from the second floor is feasibly impossible.
- Due to the configuration of the relatively small lot, it precludes the maximum use of the living/recreational area of the property as compared to the adjacent rear property.
- There will be no adverse impact to any of the adjoining individuals, as well as the community in general.



ZONING DESCRIPTION FOR 19 UPMAN COURT

99-3-A

Beginning for the same at the concrete monument set in the northwesterly side of Old Frederick Road at the end of the second line of the tract of land described in the Deed from Joseph Upman et al to Loyd Godman et al dated October 31, 1946, and recorded among the Land Records of Baltimore County in Liber R.J.S. No 1519, folio 302, etc. and running thence binding on the third line of said tract of land as described in said deed North 13 degrees 17 minutes East 1192.6 feet to the concrete monument at the end thereof thence for a line of division South 11 degrees 30 minutes 30 seconds West 1178.89 feed to a point on the Northwesterly side of said Old Frederick Road in said second line at the distance of 39.21 feet from the place of beginning and thence binding on said second line South 81 degrees 58 minutes West 39.21 feet to the place of beginning.

Being part of the same property described in a Deed dated January 8, 1990, from John P. Stahle, Personal Representative of the Estate of Lena A. Upman, also known as Appolonia M. Upman unto Ellwood Building Corporation, recorded among the Land Records of Baltimore County, Maryland in Liber 8391, folio 180.

Also known as 19 Upman Court and located in the 01 Election District, 1st Councilmanic District.

FALL ALLEIGH THE THE TABLES AND THE THE	REG USD) CARNIER CLIM CA. DRIMER 5 MERCHLAMMER CYSH RTELPF Region of 075519 CR M1. (76176	50.00 (ACC	CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND (50) OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	DATE C7. 61. 98 ACCOUNT R CC1 G15C. R. R. AMAZINT \$ 50°C.	150 983-A	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CERTIFICATE OF POSTING

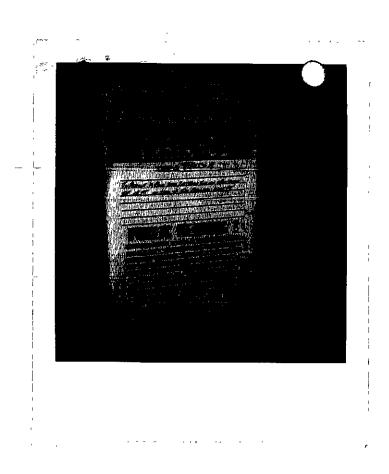
RE: Case # 99-83-A
Petitioner/Developer:
(Joyce Hinkleman)
Date of Hearing/Closing:
(July 27, 1998)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Centleman:

This letter is to certify under the	penalties of perjury that the necessary sign(s) required by
law were posted conspicuously o	on the property located at
19 Upman Court Baltimore, Mar	yland 21228
The sign(s) were posted on	
	(Month, Day, Year)
	Sincerely, Old 5/10/88
	(Signature of Sign Joster & Date) Thomas P. Ogle, Sr.
	325 Nicholson Road
	Baltimore, Maryland 21221
	(410)-687-8405 (Telephone Number)
	(1010pitone runner)



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

· · · · · · · · · · · · · · · · · · ·
Case Number 99- 03 -A Address 19 UPMAN GT.
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 07-01-98 Posting Date: 7-12 Closing Date: 7-27
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE</u> : The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted. denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 9 03 -A Address 19 HPMAN GT
Posting Date: 7-12-98 Closing Date: 7-27-99
Wording for Sign: To Permit A REAR YARD SETBACK TEAR AN OPEN DECK
OF LY FT. LA LIGA OF THE REQUIRED 22.5 FT

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

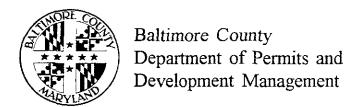
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 99-03-9
Petitioner: <u>Joyce Elica Hlukerman</u>
Address or Location: 19 Upran CT.
PLEASE FORWARD ADVERTISING BILL TO: Name:
Telephone Number: <u>ω. 4:0 - 993 - 8474 </u>



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 23, 1998

Mr. Leslie Kulick 6915 Pinecrest Road Catonsville, MD 21228

RE: Item No.: 3

Case No.: 99-3-A

Location: 19 Upman Court

Dear Mr. Kulick:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 1, 1998.

The Zoning Advisory Committee which of (ZAC), consists representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

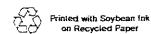
Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 16, 1998

Department of Permits & Development

Management

Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting

for July 20, 1998

Item Nos. 492, 001, 002, 003) 004, 005, 006, 007, 008, 009, and 010

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

POM

FROM:

R. Sruce Seeley . R. / Permits and Development Review

DEPRM

SUBJECT:

Zoning Advisory Committee

Mesting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

001

RBS:sp

BRUCE2/DEPRM/TXTSBP



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

July 22, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 13, 1998

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

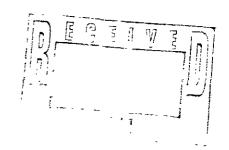
8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

001, 002, 003, 004, 005, 006, 007, 009, 010

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management **DATE**: July 10, 1998

FROM: Arnold F. "Pat" Keller, III, Director Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item No. 492, 2, 3, 4, 9, and 10

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Section Chief: Jeffry W-Long

AFK/JL



Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 7.14.51 Item No.

Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

1. j. Bredlen for Ronald Burns, Chief

Engineering Access Permits

Division

LG

PETITION PROBLEMS

Ö

FROM:

ITEM #003 – No advertisement form. The fourt of forms.

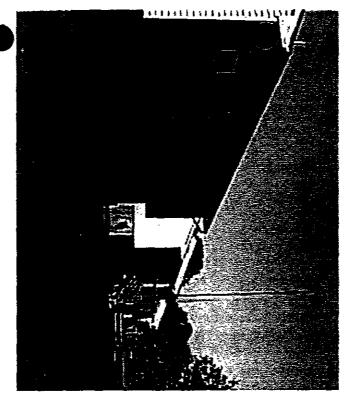
No information on bottom of petition forms.

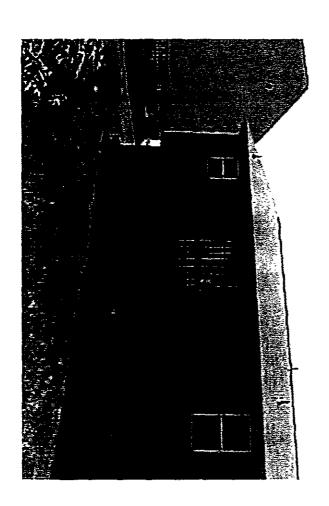
No item numbers on anything in folder.

Case number wrong on sign form.

Hinkelman
Hinkelman
19 Upman Ct.

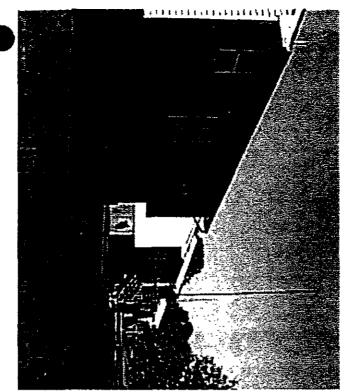
10-747-4407 (h)
10-993-8474 (w)

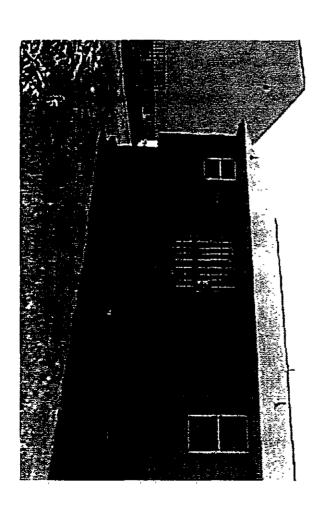


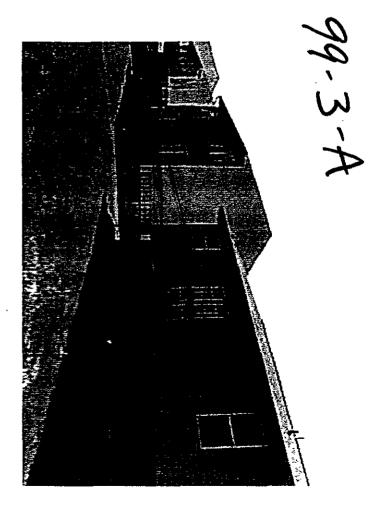




Joyce Hinkelman Hinkelman 19 Upman Ct. ASAMS, Md 21228 10-747-4407 (h) 10-993-8474 (w)

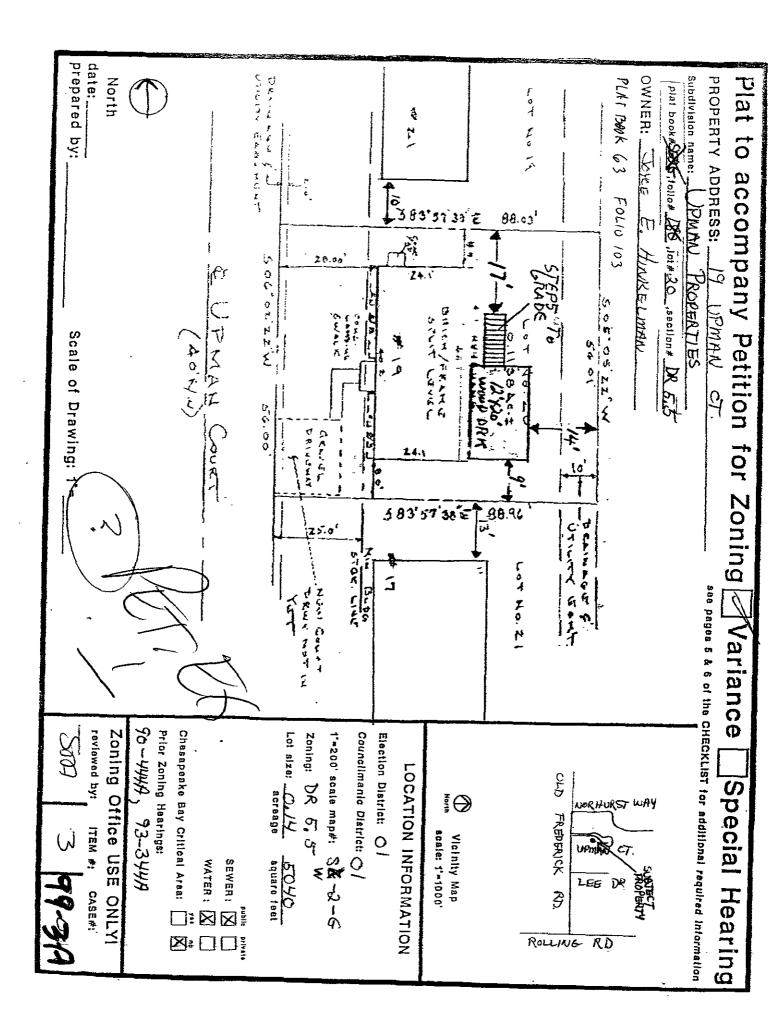


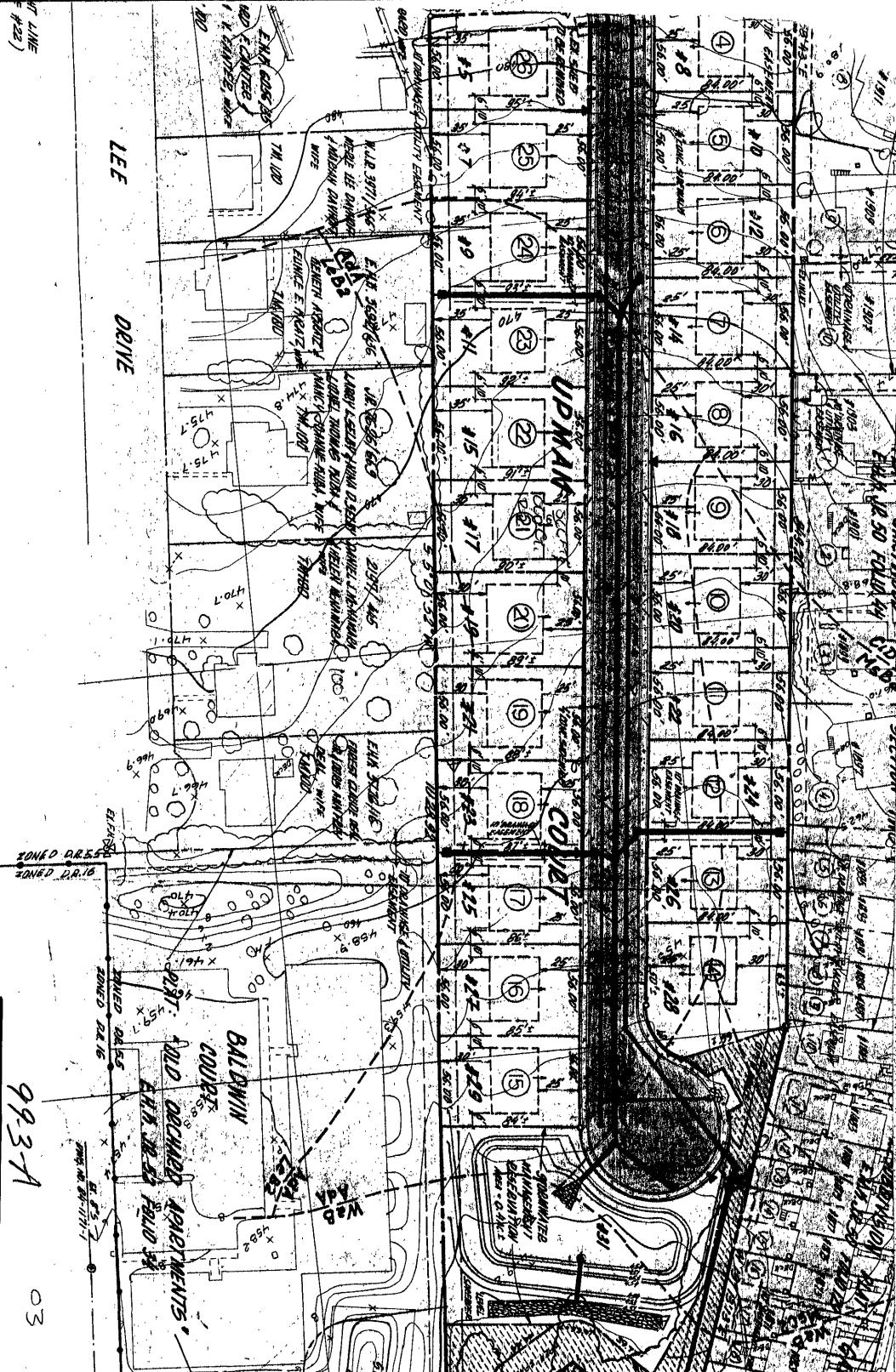






CASE # 93344A Previous Zoning hearings





N SOL	prepared by: Scale of Drawing: 1"=
	date:
Zoning Office USE ONLYI	North
1	
Chesapenke Bay Critical Area: (X)	
SEWER: X	CTMAL COURT
signo signo	Chora Everanona 2000, or AX, M 2000.
ें	DRIVEWAY M.
map#: Si	20.00
Councilmanic District: O/	10 M
Election District: O	0. 3
LOCATION INFORMATION	24
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	OWNER: LEE E. HINKELMAN
	plat book #SESS, tollo# 18C, lot#30, section# DR 5.5
see pages 5 & 6 of the CHECKLIST for additional required information	DDRESS: 17 UPMEN CT.
ce Special Hearing	npany Petit